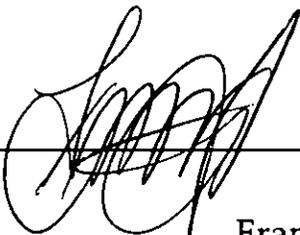


RESOLUTION NO. 98 2013

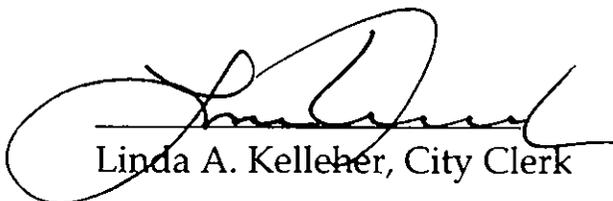
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for the installation of vinyl replacement windows at 332 North 5th Street, Steven and Rich Gill, owner/applicant, aka S & R Property Management LLC.

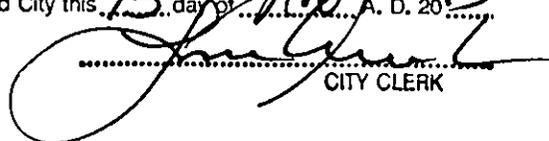
Adopted by Council Nov 12, 2013


Francis Acosta
President of Council

Attest:


Linda A. Kelleher, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 12 day of Nov A. D. 20 13. Witness my hand and seal of the said City this 13 day of Nov A. D. 20 13.


CITY CLERK

**Appeal of Historic Architectural Review Board
Certificate of Appropriateness**

IN THE MATTER OF	§	BEFORE THE
	§	
	§	CITY OF READING
	§	
RICH & STEVEN GILL	§	CITY COUNCIL
332 NORTH 5 TH STREET	§	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION**

On Tuesday, October 29, 2013 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) on the Certificate of Appropriateness (COA) for the installation of vinyl windows at 332 North 5th Street, owned by Steven and Rich Gill (Respondent) aka S & R Property Management LLC. At their July 16, 2013 meeting, HARB denied the issuance of a Certificate of Appropriateness for the installed windows based on the Secretary of the Interior's Standards SIS 2 and SIS 9 and unanimously approved a plan to correct the windows in a way that complies with the Secretary of the Interior's Standards. The Respondent appealed this decision to City Council.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is part of the City of Reading Code of Ordinances Chapter 295 – Historical and Conservation. The HARB is a board of eleven (11) duly qualified members.
2. The Respondent purchased the property in 2011 as S & R Property Management LLC and the previous owner received a COA for the replacement of the windows in the second floor front before the new window policy went into effect in 2010.
3. The Respondent testified that there are multiple properties with replacement windows in this area and the Historic Preservation Specialist stated that the windows were either approved prior to the implementation of the new window policy or are not in compliance with the policy.
4. The Historic Preservation Specialist explained that an audit by the PA Historic Museum Commission required HARB to implement a more stringent window

policy because the prior policy was too lenient and allowed a significant loss of the historic features and details of buildings.

5. The Respondent testified that he obtained two (2) quotes for wooden windows and the estimates were \$5,000 and \$9,000. He stated that the cost for these windows is exorbitant for a rental property.
6. The Respondent stated that his suggestion to disguise the vinyl should be sufficient and he noted that the window he installed was special ordered.
7. The Historic Preservation Specialist stated that the window the Respondent installed does not fit the opening from the original window and that filler material was required, which further changes the appearance of the façade of the building.
8. The Historic Preservation Specialist stated that HARB has prepared a list of contractors who will work within Reading and will do work that conforms to the Secretary of the Interior's Standards. She stated that the Respondent was provided with the names and contact information for three (3) contractors who could correct the violation successfully.
9. The Respondent stated that his haste to replace the windows was caused by fire damage at the property. He stated that prior to the replacement of the windows copper piping and wiring were removed from the building. He again noted the number of replacement windows already in the area.
10. The Historic Preservation Specialist circulated photographs of the subject property and other properties in the area that were taken in 1978 when the features of properties in historic districts were documented.
11. The Historic Preservation Specialist stated that HARB must make decisions as per the Secretary of the Interior's Standards; however, she noted that Council can make their appeal decision based on the merits of the case.

Conclusions of Law

City Council, after considering all testimony and reviewing all Exhibits, denies the appeal of the Certificate of Appropriateness (COA) and upholds the decision made by the HARB, as the Respondent failed to apply for a COA prior to the installation for the correction for the windows. Had the Respondent applied for a COA before undertaking the project, he would have been informed about the new policy which prohibits the use of vinyl windows. Furthermore, City Council remands the issue to HARB and directs the Respondent to work with the contractors the Historic Preservation Specialist provided to develop and implement a solution that meets the Window Policy and the Secretary of the Interior's Guidelines.

Order and Agreed Resolution

The City of Reading City Council hereby denies the appeal of the COA for the use of vinyl windows at 332 North 5th Street, Steven and Rich Gill, owner/

applicant aka S & R Property Management LLC, and furthermore agrees with the HARB decision for the owners to complete the project within 180 days.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.